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15 *Additional Counsel Appear on Signature Page*

16
17 **UNITED STATES DISTRICT COURT**
 SOUTHERN DISTRICT OF CALIFORNIA

18 SHYRIA HENDERSON, on behalf
19 of herself and all others similarly
20 situated,

21 *Plaintiff,*

22 vs.

23 UNITED STUDENT AID FUNDS,
24 INC. D/B/A UNITED STUDENT
25 AID FUNDS,

26 *Defendant.*

27 CASE NO. 3:13-cv-1845-JLS-BLM
CLASS ACTION

28 **JOINT MOTION TO VACATE**
 SETTLEMENT CONFERENCE

Hon. Magistrate Barbara Lynn Major

1 Pursuant to the Chamber Rules of the Honorable Barbara Lynn Major,
2 Plaintiff Shyriaa Henderson (“Plaintiff”) and Defendant United Student Aid Funds
3 (“Defendant” or “USA Fund”) (collectively, the “Parties”) hereby file a Joint Motion to
4 Vacate the Settlement Conference, currently scheduled for Tuesday, October 18,
5 2016. In support of the Motion, the Parties state as follows:

6 1. The settlement conference is currently set for Tuesday, October 18
7 2016. (Dkt. 179.)

8 2. Over the course of the last several weeks, the Parties have engaged in
9 preliminary settlement discussions aimed at identifying whether a class-wide
10 settlement might be achieved. To that end, the Parties have discussed potential
11 settlement structures and agreed to work towards scheduling a private mediation in
12 hopes of reaching an agreement. Plaintiff has committed to providing Defendant a
13 specific settlement demand—which will account for the Parties’ recent
14 discussions—no later than this Friday, October 14th. Additionally, proposed
15 mediators and dates for mediation have been circulated. Lastly, the Parties are in
16 agreement that they will continue to discuss the demand made by Plaintiff and
17 Defendant’s reactions thereto, and otherwise work cooperatively in an effort to
18 schedule and conduct a mediation. Based on their discussions to date, the Parties
19 believe that this process and private mediation may be appropriate for seeking
20 resolution of this case.

21 3. Accordingly, the Parties respectfully request that the Court vacate the
22 upcoming settlement conference while the Parties continue to discuss their private
23 mediation plan. Upon confirmation of a mediation date, the Parties will inform the
24 Court of the same.¹

25 4. Good cause exists for granting the Parties’ Motion. The Parties have
26

27 ¹ Of course, if the Parties are unable to confirm the mediation for some
28 reason, they will be prepared to proceed with a settlement conference before the
Court.

1 conferred and agree that vacating the settlement conference at this time would
2 conserve the Parties' and the Court's resources. If the Parties can proceed to
3 private mediation, both they and the Court will be spared the time and expense that
4 would be devoted to a settlement conference.

5 5. Prior to filing the instant Motion, the Parties met and conferred
6 pursuant to the Chambers Rules and Local Rule 7.1(g)(2).

7 6. The Parties previously requested, and the Court granted, a
8 continuance of the settlement conference from September 14, 2016 to the
9 currently-scheduled date of October 18, 2016.

10 Wherefore, the Parties respectfully request that this Court enter an order (1)
11 vacating the Settlement Conference currently set for Tuesday, October 18, 2016,
12 and (2) granting such other and further relief as the Court deems reasonable and
13 just.

Respectfully Submitted,

SHYRIA HENDERSON, individually and
on behalf of all others similarly situated,

Dated: October 12, 2016

By: s/ J. Dominick Larry

One of Plaintiff's Attorneys

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7 **UNITED STUDENT AID FUNDS, INC.,**

8 Dated: October 12, 2016 By: s/ Lisa M. Simonetti

9 *Counsel for Defendant*

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1 **CERTIFICATION OF APPROVAL OF CONTENT**

2 I, J. Dominick Larry, counsel for Plaintiff in the above-captioned matter,
3 hereby certify that the required parties have approved and accepted the content of
4 the Joint Motion to Continue Settlement Conference, and that I have obtained
5 authorization from Lisa M. Simonetti, counsel for Defendant, to use her electronic
6 signature on the Joint Motion to Continue Settlement Conference.

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8 Dated: October 12, 2016

s/ J. Dominick Larry

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